SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT: Satisfaction of Code Enforcement Lien – Case No. 98-45-CEB – Horris and Nancy Mack, 128 Leon Street, Altamonte Springs

DEPARTMENT: Planning and Development **DIVISION:** Planning

AUTHORIZED BY: <u>Dori DeBord</u> CONTACT: <u>Carolyn Jane Spencer</u> EXT: <u>7403</u>

MOTION/RECOMMENDATION:

Approve the Satisfaction of Lien in the amount of \$478.73, Case No. 98-45-CEB, on 128 Leon Street, Altamonte Springs, Tax Parcel # 18-21-30-507-0000-0320, owned by Horris and Nancy Mack, and authorize the Chairman to execute a Satisfaction of Lien.

District 4 Carlton D. Henley

Tina Williamson

BACKGROUND:

In response to a complaint on February 16, 1998, the Code Enforcement Officer observed the following violation located at 128 Leon Street, Altamonte Springs: The accumulation of trash and debris which is in violation of Seminole County Code Section 95.4, as defined in Section 95.3 (g).

The timeline on this violation is below:

DATE	ACTION	RESULT
August 27, 1998	Code Board Hearing – Findings of Fact, Conclusions of Law and Order.	Order entered by the Code Enforcement Board setting a compliance date of October 25, 1998 or a fine of \$25.00 per day imposed until compliance is achieved.
October 27, 1998	Affidavit of Non-Compliance filed by the Code Enforcement Officer after October 26, 1998 reinspection.	Violation remains.
June 29, 2000	Code Board Hearing – Order Finding Non-Compliance and Imposing Fine/Lien.	Order entered by the Code Enforcement Board imposing a lien for accrued fine up to date of hearing and \$25.00 per day until compliance is achieved.
January 12, 2002	Request for Reduction of Penalty with letter.	Received on January 22, 2002.
January 15, 2002	Affidavit of Compliance filed by the Code Enforcement Officer after January 11, 2002 reinspection.	Violation corrected.
May 1, 2002	Revised Affidavit of Compliance filed.	May 1, 2002 Affidavit of Compliance replaced the January 15, 2002

		Affidavit of Compliance.
May 28, 2002	BCC reduction. BCC Hearing	The lien was reduced to \$478.73.
	minutes attached	
August 21, 2002; August		\$478.73 in payments received from
30, 2002; October 11,		Horris Mack.
2002; December 8, 2002;		
June 12, 2008		

STAFF RECOMMENDATION:

Staff recommends that the Board approve the Satisfaction of Lien in the amount of \$478.73, Code Enforcement Board Case #98-45-CEB, on 128 Leon Street, Altamonte Springs, Tax Parcel # 18-21-30-507-0000-0320, owned by Horris and Nancy Mack, and authorize the Chairman to execute a Satisfaction of Lien.

ATTACHMENTS:

- 1. Findings And Order
- 2. Affidavit Of Non Compliance
- 3. Order imposing Lien
- 4. Request For Reduction Of Penalty
- 5. Affidavit Of Compliance
- 6. Revised Affidavit of Compliance
- 7. Minutes
- 8. Payments and receipts
- 9. Property Appraiser Data
- 10. Satisfaction of Lien

Additionally Reviewed By:
☐ County Attorney Review (Kathleen Furey-Tran :

CODE ENFORCEMENT BOARD SEMINOLE COUNTY, FLORIDA

WE MORSE, CLERK OF CIRCUIT COURT SEALMOLE COUNTY BK 04127 PG 1732 CLERK'S # 2001722874 RECORDED 07/16/2001 08:49:56 AM RECORDING FEES 6.00 RECORDED BY u user11 CASE NO. 98-45-CEB

SEMINOLE COUNTY, a political sub-division of the State of Florida,

Petitioner,

vs.

HORRIS MACK NANCY MACK 934 22nd Ave. Bellwood IL 60104-2502

Respondents.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Respondents are in violation of Section 95.4, as defined in Section 95.3 (g), Seminole County Code, based on the following findings:

The Respondents are the owners of record of the property (Tax Parcel #18-21-30-507-0000-0320, 128 Leon St., LOT 22, REPLAT of WINWOOD PARK, PB 3, PG 30, located in Seminole County).

The Respondents are in possession/control of the property. (b)

On February 16, 1998, the property was inspected and found to contain an accumulation of trash and debris so as to constitute a nuisance under the Seminole County Code. Notices of Violation were issued on March 18, 1998 and April The Respondents were required to bring the property into compliance by 7, 1998. April 22, 1998.

(d) On May 27, 1998 the property was reinspected and found to be still in violation in that the property still contained an accumulation of trash and debris.

The Respondents shall correct the violations by October 25, 1998. In order to correct the violations, the Respondents shall take the following remedial action:

Remove all debris and other items considered to be a nuisance.

If the Respondents do not comply with this order by October 25, 1998, a fine of \$25.00 will be imposed for each day the violations continue past that date and an Order Imposing Penalty/Lien entered to establish the fine. The Respondents must contact the Code Inspector to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue until such time as the Code Inspector inspects the property and establishes the date of compliance.

This Order may be recorded in the public records of Seminole County, Florida.

DONE AND ORDERED this 27th day of August, 1998, in Seminole County, Florida.

CODE ENFORCEMENT BOARD SEMINOLE COUNTY, ELORADA

STATE OF FLORIDA COUNTY OF SEMINOLE)

The foregoing instrument was acknowledged before me this $27^{\rm th}$ day of August, 1998, by Jean Metts, who is personally known to me.

COUNTY

FLONIDA

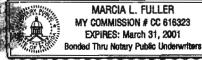
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fuller Marcia L. Notary Public to and for the County and State aforementioned. My Commission Expires:

caac01/ceb/mack



CODE ENFORCEMENT BOARD SEMINOLE COUNTY, FLORIDA

SEMINOLE COUNTY, a political Subdivision of the State of Florida,

CASE NO 98-45-CEB

Petitioner,

Vs.

HORRIS & NANCY MACK,

Respondents.

AFFIDAVIT OF NON-COMPLIANCE

BEFORE ME, the undersigned authority, personally appeared Pamela Taylor, Code Inspector for Current Planning, who, after being duly sworn, deposes and says:

- 1. That on August 27, 1998, the Board held a public hearing and issued its order in the above-styled matter.
- 2. That, pursuant to said Order, Respondent was to have taken certain corrective action by or before October 25, 1998.
- That a re-inspection was performed on October 26, 1998.
- 4. That the re-inspection revealed that the corrective action ordered by the Board has not been taken in that the accumulation of trash and debris has not been removed.

FURTHER AFFIANT SAYETH NOT.

DATED this 27th day of October, 1998.

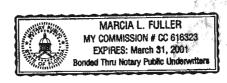
STATE OF FLORIDA COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this 27th day of October, 1998,

by Pamela Taylor, who is personally known to me.

Notary Public in and for the County And State Aforementioned My commission expires:

AFFNON.COM





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CODE ENFORCEMENT BOARD SEMINOLE COUNTY, FLORIDA

SEMINOLE COUNTY, a political subdivision of the State of Florida.

CASE NO. 98-45-CEB

Petitioner,

vs.

HORRIS & NANCY MACK,

Respondents.

ORDER FINDING NON-COMPLIANCE AND IMPOSING FINE/LIEN

The Respondent is the owner of record of the property (Tax Parcel ID #18-21-30-507-0000-0320) located at 128 Leon St, Altamonte Springs, located in Seminole County and legally described as follows:

LEG LOT 22 REPLAT OF WINWOOD PARK PB 3 PG 30

This case came on for public hearing before the Code Enforcement Board of Seminole County on the 27th day of August, 1998, after due notice to the Respondent. The Board, having heard testimony under oath and having received evidence, issued its Findings of Fact, Conclusions of Law, and Order (Order).

Said Order found Respondent in violation of Section 95.4 as defined in Section 95.3(g), Seminole County Code.

Said Order required Respondent to take certain corrective action by (insert date Board required compliance).

Said Order stated that a fine of \$25.00 per day would be imposed if Respondent did not take certain corrective action by the date set for compliance.

An Affidavit of Non-Compliance bearing the date of October 27, 1998, has been filed with the Board by the Code Inspector, which Affidavit certifies under oath that the required action has not been taken as ordered.

Accordingly, it having been brought to the Board's attention that Respondent has not complied with the Order dated August 27, 1998, the Board orders that a fine of \$15,250 (total accrued fine up until hearing) is imposed against the property for each day the violation has continued past the date set for compliance and a fine of \$25.00 per day is ordered against the property for each day the violation continues past August 27, 1998.

The Respondent must contact the Code Inspector to arrange for an inspection of the property to verify compliance. The fine imposed shall continue until such time as the Code Inspector inspects the property and establishes the date of compliance.

3892 078

This Order shall be recorded in the public records of Seminole County, Florida, and shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the Respondent.

DONE AND ORDERED this 29th day of June, 2000, in Seminole County, Florida.

CODE ENFORCEMENT BOARD SEMINOLE COUNTY, FLORIDA

SEMIDIOLE COUNTY, FLORIDA

STATE OF FLORIDA COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this 6th day of July, 2000, by Jean Metts, who is personally known to me.

Marcia L. Fuller
Notary Public to and for the
County and State aforementioned.
My Commission Expires:



3892 07



CODE ENFORCEMENT BOARD SEMINOLE COUNTY

CEB Case No. 98-45 (EB)

REQUEST FOR REDUCTION OF PENALTY

BY COMPLETING THIS FORM, YOU ARE MAKING STATEMENTS UNDER OATH.

INSTRUCTIONS: Please fill in both sides of this form completely. Be specific when writing your statement. Please return this form to the Secretary of the Code Enforcement Board. The Petition will then be presented at the next regularly scheduled meeting, and you will be notified in writing of the Board's decision within 10 days after the hearing. If you are claiming medical or financial hardship, attach supporting documentation (i.e., a doctor's statement or proof of income). If you have any questions, please call the Secretary at 321-1130, extension 7461.

Property Owner's Name HONVIS	mack		
Property Address 128 Leon	8t, Altan	nonte :	springs
Phone Number where you can be reached du	ring the day <u>1-70</u>	8-544-2	854
Is the property now in compliance? detail)	Yes	No (if no,	explain in
Are you claiming a financial hardship?	Yes		No
Are you claiming a medical hardship?	Yes		No
If the property owner is unable to complet authorized to act for the Property Owner and	-	e name of per	son who is

YOU WILL NOT BE GIVEN AN OPPORTUNITY TO ADDRESS THE BOARD CONCERNING THIS REQUEST. MAKE CERTAIN THAT THIS FORM AND ANY ATTACHMENTS COMPLETELY SET FORTH YOUR POSITION.

I,,	do hereby submit this Petition in request for
reduction in the total amount of p	enalty imposed, and in support offer the followin
statement:	
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	•
Date: 1-12-02	Signed: Horris Mack Print Name: Horris Mack
CA A CERT 1 II	Bin Hama Mark
State of Florida	Print Name: 7 101115 11 (LEAC
County of Seminole	
DEDCOMANA	
PERSONALLY appeared before national administer oaths and take acknowle	ne, the undersigned authority duly authorized to dements, HOTTIS MACK, who fire
	ore me that the information contained herein is tru
and correct. He/she is not personally	known to me and have each produced
State drivers license as id	entification and did take an oath.
Date: - 15-02	Shellannar
	Notary Public
	My Commission Expires:
	"OFFICIAL SEAL" \$

ELSA HERNANDEZ

Notary Public, etate of Illinois

My Commission Expires April 19, 2003

Horris Mack 934 22nd Avenue Bellwood, IL 60104

RECENTED JAN 2 2 2002

January 13, 2002

City of Sanford, FL Department of Code Violations

Dear Sirs:

I deeply regret all of the problems that have occurred at 128 Leon Street. I am asking that all fines be removed due to severe economic hardship. My wife has been ill for a long time and is on disability. This has resulted in a reduction of family income.

Please note that during the last three years, I have proactively paid more than \$1200.00 in repairs and maintenance. Moreover, I am desperately trying to keep the lot clean and free from loiterers. May it interest you to know that it is my urgent intention to put up a fence.

Again, I beseech you to reverse any and all fines associated with this land property. I am making a valiant effort to do the best I can-even under adverse circumstances.

Mis Mack

Sincerely,

Horris Mack Landowner

HM/lb

Subscribed and sworn to before me

ELSA HERNANDEZ Notary Public, State of Illinois My Commission Expires April 19, 2003 **SEMINOLE COUNTY**, a political subdivision of the State of Florida

Petitioner.

VS.

HORRIS & NANCY MACK

Respondent.

CaseNo.98-45-CEB

MARYANNE MORSE, CLERK OF CIRCUIT COURT SEMINOLE COUNTY BK 04299 PG 0018 CLERK'S # 2002816543 RECORDED 01/17/2002 11:55:42 AM RECORDING FEES 6.00 RECORDED BY S Coatney

AFFIDAVIT OF COMPLIANCE

BEFORE ME, the undersigned authority, personally appeared Pamela Taylor, Code Inspector for **Planning Division**, who, after being duly sworn, deposes and says:

- 1. That on **August 27,1998** the Board held a public hearing and issued its Order in the above-styled matter.
- 2. That, pursuant to said Order, Respondent was to have taken certain corrective action by or before **October 25, 1998**.
- That a re-inspection was performed and the Respondent was in compliance on January 11, 2002.
- 4. That the re-inspection revealed that the corrective action ordered by the Board has been taken in that the **trash & debris has been removed from the property.**

FURTHER AFFIANT SAYETH NOT.

DATED this 15th day of January 2002.

Pamela Taylor, Inspector

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

The foregoing instrument was acknowledged before me this 11th day of January 2002, by Pamela Taylor, who is personally known to me and who did take an oath.

CMPLAFE CEB



Motary Public in and for the County and State Aforementioned My commission expires:



CODE ENFORCEMENT BOARD SEMINOLE COUNTY, FLORIDA

SEMINOLE COUNTY, a political subdivision of the State of Florida CaseNo.98-45-CEB

Petitioner,

VS.

Horris & Nancy Mack,

Respondent.

MARYANNE MORSE, CLERK OF CIRCUIT COURT SENINOLE COUNTY BK 04399 PG 0595 CLERK'S # 2002873395 RECORDED 05/06/2002 09:32:57 AM RECORDING FEES 6.00 RECORDED BY L Woodley

REVISED AFFIDAVIT OF COMPLIANCE

BEFORE ME, the undersigned authority, personally appeared Pamela Taylor, Code Inspector for Planning Division, who, after being duly sworn, deposes and says:

- 1. That on AUGUST 27, 1998 the Board held a public hearing and issued its Order in the above-styled matter.
- 2. That, pursuant to said Order, Respondent was to have taken certain corrective action by or before OCTOBER 25, 1998
- That a re-inspection was performed and the Respondent was in compliance 3. on **JANUARY 11, 2002.**
- That the re-inspection revealed that the corrective action ordered by the 4. Board has been taken in that the TRASH & DEBRIS HAS BEEN REMOVED.

FURTHER AFFIANT SAYETH NOT.

DATED this 1STday of MAY 2002.

Pamela Taylor, Inspector

STATE OF **FLORIDA**) COUNTY OF **SEMINOLE**)

The foregoing instrument was acknowledged before me this 1ST day of MAY 2002, by Pamela Taylor, who is personally known to me.

CMPLAFF.CEB



Notary Public in and for the County and State Aforementioned My commission expires:



Board Minutes of Page 1 of 48

BOARD OF COUNTY COMMISSIONERS

SEMINOLE COUNTY, FLORIDA

MAY 28, 2002

The following is a non-verbatim transcript of the BOARD OF COUNTY COMMISSIONERS MEETING OF SEMINOLE COUNTY, FLORIDA, held at 9:30 a.m. on Tuesday, May 28, 2002, in the SEMINOLE COUNTY SERVICES BUILDING at SANFORD, FLORIDA, the usual place of meeting of said Board.

Present:

Chairman Daryl McLain (District 5)

Vice Chairman Grant Maloy (District 1)(Late)

Commissioner Randy Morris (District 2)

Commissioner Dick Van Der Weide (District 3)(Late)

Commissioner Carlton Henley (District 4)

County Manager Kevin Grace

County Attorney Robert McMillan

Deputy Clerk Carylon Cohen

The Invocation was given by Deputy Clerk Carylon Cohen.

Board Minutes of Page 21 of 48

to the administrative costs of \$294.47.

Motion by Commissioner Morris, seconded by Commissioner Henley, to approve the staff recommendation to reduce the Code Enforcement lien to the administrative costs of \$294.47 for property located on Burrows Lane, Sanford, Minnie L. Pew, owner, Case #99-39A-CEB.

Districts 1, 2, 3, 4, and 5 voted AYE.

Ms. Leigh presented the request to waive Code Enforcement lien on Lots 31 and 32, Trinity Bay, Seminole County (M.C.D. Inc., owner of Lot 31 and Laura P. Barker, owner of Lot 32).

Ms. Leigh advised the owners have requested to continue this item to another meeting.

Planning Director, Don Fisher, addressed the Board to state the owners requested a continuance to the June 11 BCC meeting.

Motion by Commissioner Maloy, seconded by Commissioner Van Der Weide, to continue to June 11, 2002, the request to waive the Code Enforcement lien on Lots 31 and 32, Trinity Bay, Seminole County, M.C.D. Inc., owner of Lot 31 and Laura P. Barker, owner of Lot 32, Case #96-13-CEB.

Districts 1, 2, 3, 4, and 5 voted AYE.

Ms. Leigh presented request to waive Code Enforcement lien on Lot 22, 128 Leon Street, Altamonte Springs in Winwood Park, Horris and Nancy Mack, owner.

Ms. Leigh stated the owners have financial and medical harships.

Motion by Commissioner Henley, seconded by Commissioner Van Der Weide, to approve the staff recommendation to reduce the Code Enforcement lien to the administrative costs of \$478.73 for Lot 22,

Doald Mindles Of Page 22 Of 48

128 Leon Street, Altamonte Springs in Winwood Park, Horris and Nancy Mack, owners, Case #98-45-CEB.

Districts 1, 2, 3, 4, and 5 voted AYE.

Cindy Hall, Fiscal Services Director, addressed the Board to request adoption of Budget Change Policy Resolution which revises intradepartmental budget transfers. Ms. Hall advised the staff would provide information to the Board prior to any changes. Commissioner Morris clarified that Ms. Hall will notify the Board individually in an informal meeting that staff is about to make a change and after the fact when a change is made, the Board will get official notification in a Board meeting via a memo that the changes have occurred.

Commissioner Henley questioned how this would work. He said he sees it as further removal of the Board for the oversight responsibility they have, and that is what he has a problem with. Whereupon, Commissioner Morris stated these would be the Board's prior approved items. Commissioner Henley said there could be approved projects left out.

Mr. Grace advised that is not the staff's intent that he could eliminate projects the Board approved. He said the Board would have to deal with the movement of money. He said he could not delete project items the Board had approved. Discussion continued. Ms. Hall stated this is only for capital improvement funds.

Motion by Commissioner Morris, seconded by Commissioner Henley, to adopt appropriate Resolution 2002-R-94 (Budget Change Policy Resolution), as shown on page _____, which revises intradepartmental budget transfers, with the following understanding that: (1) These are only for capital items; (2) There will be a prior memorandum to the Board on such changes prior to the action taken; (3) There will be notification via submissions of when the change occurred after the fact; and (4) This does not in any way, shape, or form allow for cancelling of any prior approved budget items approved by the

HORRIS MACK
934 S. 22ND AVE.
BELLWOOD, IL. 60104

DATE 6-27-02

SOUTH ORDER OF DOLLARS OF MACK
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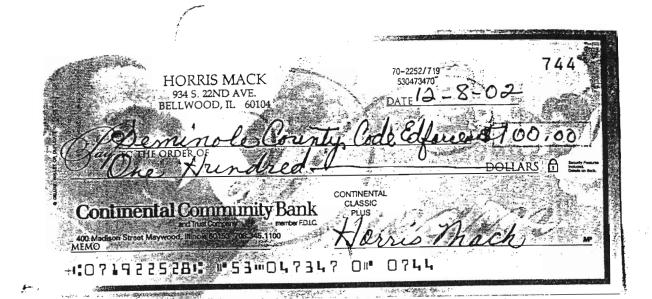
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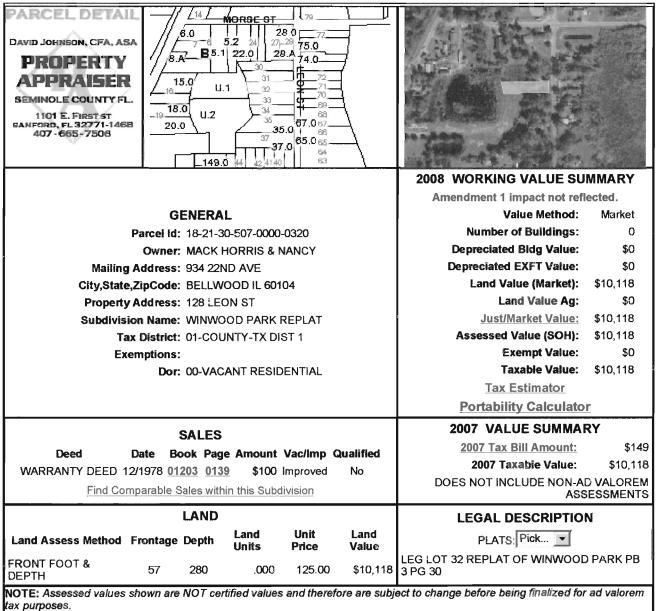
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tax purposes.

🐃 If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value

SATISFACTION OF LIEN AS TO PARTICULAR PARCEL

THIS instrument disclaims and releases the lien imposed by the Order Finding Non-Compliance and Imposing Fine/ Lien, issued by the Seminole County Code Enforcement Board in Case No. 98-45-CEB filed against HORRIS AND NANCY MACK and filed by and on behalf of Seminole County, on June 29, 2000, and recorded in Official Records Book 3892, Page 0785, of the Public Records of Seminole County, Florida, against the following described real property:

LEG LOT 22 REPLAT OF WINWOOD PARK PB 3 PG 30

The undersigned is authorized to and does hereby disclaim and release the lien as to the whole of the above-described real property, and consents that the same be discharged of record.

record.			
	DATED this	day of	, 2008.
ATTEST:			BOARD OF COUNTY COMMISSIONERS SEMINOLE COUNTY, FLORIDA
		By:	
MARYANN Clerk to the	+ + _		BRENDA CAREY, Chairman
County Cor	mmissioners of County, Florida	Date	
For the use and reliance of Seminole County only. Approved as to form and legal sufficiency.			As authorized for execution by the Board of County Commissioners at their August 12, 2008 regular meeting.
County Atto	orney		